

HOUSE No. 1914

By Ms. Kaprielian of Watertown, petition of Rachel Kaprielian and others for legislation to reduce the loss of life in cigarette-related fires by regulating ignition standards for cigarettes. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

PETITION OF:

Rachel Kaprielian	Kathi-Anne Reinstein
Peter J. Koutoujian	Cory Atkins
David Paul Linsky	Martha M. Walz
Ellen Story	Barbara A. L'Italien
John W. Scibak	Charles A. Murphy
Patricia D. Jehlen	Frank I. Smizik
Ruth B. Balser	Steven A. Tolman
J. James Marzilli, Jr.	John J. Binienda
Paul J. Donato	Matthew C. Patrick
Susan W. Pope	Elizabeth A. Malia
James B. Leary	Walter F. Timilty

In the Year Two Thousand and Five.

AN ACT TO REDUCE THE LOSS OF LIFE DUE TO FIRES CAUSED BY CIGARETTES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. Chapter 64C of the General Laws, as appearing in
- 2 the 2000 Official Edition, is hereby amended by inserting after
- 3 section 2 the following section:
- 4 SECTION 2A. (1) (a) The commissioner of public health, in
- 5 consultation with the state fire marshal, shall promulgate fire
- 6 safety standards for cigarettes sold or offered for sale in the com-
- 7 monwealth. Such standards ensure that:
- 8 (1) such cigarettes, if ignited, will stop burning within a time
- 9 period specified by the standards if the cigarettes are not smoked
- 10 or drawn upon during that period; and

11 (2) such cigarettes meet performance standards prescribed by
12 the department of public health to limit the risk that such ciga-
13 rettes will ignite upholstered furniture, mattresses or other house-
14 hold furnishings.

15 (b) In promulgating fire safety standards for cigarettes pursuant
16 to this section, such standards issued by the commissioner of
17 public health shall not result in increased health risks to con-
18 sumers.

19 (c) The commissioner of public health shall be responsible for
20 administering the provisions of this section.

21 (d) On or after the date that said fire safety standards take
22 effect, no cigarettes shall be sold or offered for sale in this com-
23 monwealth unless the manufacturer thereof has certified in writing
24 to the commissioner of public health and the attorney general that
25 such cigarettes meet the performance standards prescribed by the
26 department of public health pursuant to subsection (a). Certifying
27 manufacturers shall submit to the department of public health data
28 demonstrating their compliance as they have certified in writing.
29 Copies of the written certificates shall be provided by the certi-
30 fying manufacturer to all wholesalers. The department of public
31 health shall prescribe procedures by which retailers, vending
32 machine operators, transportation companies and unclassified
33 acquirers are notified of which cigarettes have been certified by
34 manufacturers as meeting the performance standards prescribed
35 by the department of public health. Nothing in this subsection
36 shall be construed to prohibit the manufacture in the common-
37 wealth or the wholesale distribution from within the common-
38 wealth of cigarettes that have not been so certified if such
39 cigarettes will be sold in another state or outside the United
40 States.

41 (e) (1) Any wholesaler or any other person or entity who know-
42 ingly sells cigarettes wholesale in violation of this section shall be
43 punished by a fine not to exceed \$10,000 per each 10,000 ciga-
44 rettes sold or fraction thereof. Any retailer, vending machine oper-
45 ator, transportation company or unclassified acquirer who
46 knowingly sells cigarettes in violation of this section shall be pun-
47 ished by (i) a fine not to exceed \$500 per each such sale or offer
48 for sale of such cigarettes if the total number of cigarettes sold or
49 offered for sale does not exceed 1,000 cigarettes, or (ii) a fine of

50 \$1,000 per each sale or offer for sale of such cigarettes if the total
51 number of cigarettes sold or offered for sale exceeds 1,000 ciga-
52 rettes.

53 (2) In addition to any penalty prescribed by law, any corpora-
54 tion, partnership, sole proprietor, limited partnership or associa-
55 tion engaged in the manufacture of cigarettes that knowingly
56 makes a false certification pursuant to subsection (d) shall be sub-
57 ject to a civil penalty not to exceed \$100,000 for each such false
58 certification.

59 (3) There shall be in the executive office of administration and
60 finance a special fund to be known as the Cigarette Fire Safety
61 Act Fund. The fund shall consist of all monies recovered by the
62 attorney general from the assessment of civil penalties authorized
63 by this subsection. Such monies shall be deposited to the fund and
64 shall, in addition to any other money made available for such pur-
65 pose, be available to the department of public health for the pur-
66 pose of fire safety, education, and prevention programs, including,
67 but not limited to, the Student Awareness of Fire Education Pro-
68 gram.

69 (F) To enforce the provisions of this section, the attorney
70 general may bring an action to enjoin acts in violation of this
71 section and to recover civil penalties authorized under subsection.

1 SECTION 2. The commissioner of public health shall promul-
2 gate the standards required by subsection (a) of section 2A of
3 chapter 64C of the General Laws not later than 18 months after
4 the effective date of this act. These standards and subsection (d) of
5 said section 2A shall take effect 180 days after these standards are
6 promulgated.

1 SECTION 3. The commissioner of public health shall report to
2 the governor and the clerks of the senate and the house of repre-
3 sentatives not later than 6 months after the effective date of this
4 act on the status of his work in promulgating the fire safety stan-
5 dards required by this act.